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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,577	10/30/2003	Hiroyuki Nagano	4635-004	7209
22429	7590	05/04/2006	EXAMINER	
LOWE HAUPTMAN BERNER, LLP			SHAH, MILAP	
1700 DIAGONAL ROAD			ART UNIT	
SUITE 300			PAPER NUMBER	
ALEXANDRIA, VA 22314			3712	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,577	Applicant(s) NAGANO, HIROYUKI	
	Examiner Milap Shah	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/04 & 5/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites "...the sound transmitting passages comprises a substantially constant width in a horizontal direction and an increasing length in a vertical direction..." in which "substantially constant" and "increasing length" are vague or unclear phrases. The claim doesn't appear to elect any specific bounds on the sound transmitting passage to the point that it makes the claim language vague. The Examiner is using the broadest reasonable interpretation for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Sagawa et al. (U.S. Patent No. 6,379,244).

Claim 1: Sagawa et al. disclose a gaming machine comprising:

- a) a display device having a display screen showing an image concerning a game (figure 1[display screen 5]);
- b) sound generating devices generating sound according to the game (figure 6[speakers 8C & sound processing unit 52]);
- c) a cabinet, in which the display device and sound generating devices are provided, the cabinet having an opening on a front face thereof such that the display device is viewed through the opening from outside of the cabinet (figures 1-2 and the related descriptions thereof);
- d) sound transmitting holes for emitting sound generated by the sound generating devices, the sound transmitting holes being disposed on the left and right side of the display device (figure 1, see holes at the very top of the gaming machine, with speakers 8C, shown in figure 2, behind sound transmitting holes); and
- e) sound transmitting passages extended from the respective sound generating devices to the respective sound transmitting holes (figure 2, note open space between the speakers 8C and the sound transmitting holes, which is considered the sound transmitting passage, the sound travels from the sound generative devices through the passage and out of the sound transmitting holes).

Claims 2-4: Sagawa et al. disclose the sound transmitting holes are disposed in sound transmitting sections, each which has a vertically long shape, and the sound transmitting sections are provided on the left and right sides of the opening on the front face of the

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cabinet (figure 1, note sound transmitting holes [not numbered] at the top of the gaming machine, which is considered on the "left and right sides" of the display). The passage is considered to have a substantially constant width as seen in figure 2 as the opening or gap between the speaker 8C and sound transmitting holes. The sides of the "box" or structure encompassing the left and right speakers is considered part of the passage, which is fixed to the cabinet (figures 1-2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Freadman	U.S. Patent No. 5,553,149	Theatre sound for multimedia workstations
Takeda et al.	U.S. Patent Application Publication No. 2002/0094866	Figure 1 shows a similar speaker arrangement, with two vertical speakers on either side of a display.
Hecht et al.	U.S. Patent Application Publication No. 2003/0073489	Shows speakers with sound transmitting holes in a gaming machine.
Barahona et al.	U.S. Patent Application Publication No. 2003/0114214	Shows speakers with sound transmitting holes in a gaming machine.
Okita et al.	U.S. Patent No. 6,645,067	Gaming apparatus with sound transmitting devices.
White et al.	U.S. Patent Application Publication No. 2004/0072610	Gaming apparatus with a plurality of sound transmitting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.

JOHN M. HOTALING, II
PRIMARY EXAMINER